

Reference: PTR 13/5/2

The Municipal Manager
Mossel Bay Municipality
Private Bag X29
MOSSSEL BAY
6500

For attention: Adv. T Giliomee

APPLICATION FOR EXTENSION OF LEGISLATIVE DEADLINE

Your letter dated 2 June 2017 requesting an extension of the legislated time provision to display the approved 2017/18 budget documents on the municipal website within five days after tabling in council as required by section 75(2) of the Municipal Finance Management Act, Act No. 56 of 2003 (MFMA) refers.

The Western Cape Minister of Finance assessed the application and surrounding circumstances in terms of section 27(2) of the MFMA as well as Regulations 60 and 61 of the Municipal Budget and Reporting Regulations (MBRR).

In light of the fact that the Municipality's budget has been approved on 31 May 2017, section 27(2) of the MFMA and Regulations 60 and 61 of the MBRR are not applicable in this regard as these sections deal with non-compliance with the approval of the budget as well as with non-compliance with timelines and deadlines concerning municipal budgets.

The application to extend time limits for displaying documents on the municipal website can therefore not be considered in terms of a Schedule G Application as prescribed in the MBRR.

Alternatively, impending non-compliance of section 75(2) of the MFMA, the displaying of budget documents on the municipal website within five days after tabling in council, should be dealt with in terms of section 170(1) of the MFMA, which relates to departures from treasury regulations or conditions.

As such, in terms of section 170(1) of the MFMA, the National Treasury may on good grounds approve a departure from a treasury regulation or from any condition imposed in terms of the MFMA. You should therefore approach National Treasury, the relevant authority, in this regard.

However, given the circumstances, the Western Cape Minister of Finance is of the view that it is highly unlikely that National Treasury will approve a departure in terms of section 170(1) and therefore recommend that you rather place the relevant information on your website that was approved by Council on 31 May 2017.

Should you have any further queries, please do not hesitate to contact my office for any further assistance in this regard.

Yours faithfully



MR ML BOOYSEN

pp HEAD OFFICIAL: PROVINCIAL TREASURY

DATE: 8 June 2017

Cc: Mr J Hattingh, Chief Director, Local Government Budget Analysis, National Treasury
Mr TV Pillay, Chief Director, MFMA Implementation, National Treasury
Mr H le Roux, Acting Chief Financial Officer, Mossel Bay Municipality